

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01850-TSC**

ASSOCIATED PRESS et al v. FEDERAL BUREAU OF  
INVESTIGATION  
Assigned to: Judge Tanya S. Chutkan  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/16/2016  
Date Terminated: 10/03/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ASSOCIATED PRESS**

represented by **Jay Ward Brown**  
BALLARD SPAHR LLP  
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(202) 508-1136  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeremy A. Kutner**  
LEVINE SULLIVAN KOCH &  
SCHULZ, LLP  
321 West 44th Street  
Suite 1000  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**GANNETT SATELLITE  
INFORMATION NETWORK LLC**  
*doing business as*  
USA TODAY

represented by **Jay Ward Brown**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeremy A. Kutner**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**VICE MEDIA LLC**

represented by **Jay Ward Brown**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeremy A. Kutner**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**

represented by **Joseph Evan Borson**  
U.S. DEPARTMENT OF JUSTICE  
P.O. Box 883  
Washington, DC 20044  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/16/2016	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION ( Filing fee \$ 400 receipt number 0090-4676381) filed by VICE MEDIA LLC, GANNETT SATELLITE INFORMATION NETWORK LLC d/b/a USA TODAY, THE ASSOCIATED PRESS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Summons as to Federal Bureau of Investigation, # <u>3</u> Summons Summons as to United States Attorney's Office, # <u>4</u> Summons Summons as to United States Attorney General)(Brown, Jay) (Entered: 09/16/2016)
09/16/2016	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by THE ASSOCIATED PRESS (Brown, Jay) (Entered: 09/16/2016)
09/16/2016	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by GANNETT SATELLITE INFORMATION NETWORK LLC d/b/a USA TODAY (Brown, Jay) (Entered: 09/16/2016)
09/16/2016	<u>4</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by VICE MEDIA LLC (Brown, Jay) (Entered: 09/16/2016)
09/16/2016		Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 09/19/2016)
09/19/2016	<u>5</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form)(zsb) (Entered: 09/19/2016)
09/30/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 9/23/2016, (Attachments: # <u>1</u> Return Receipt)(Brown, Jay) Modified on 9/30/2016 to correct event (zrdj). (Entered: 09/30/2016)
09/30/2016	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/23/2016. Answer due for ALL FEDERAL DEFENDANTS by 10/23/2016. (Attachments: # <u>1</u> Return Receipt)(Brown, Jay) (Entered: 09/30/2016)
09/30/2016	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/23/2016. (Attachments: # <u>1</u> Return Receipt)(Brown, Jay) (Entered: 09/30/2016)
10/24/2016	<u>9</u>	NOTICE of Appearance by Joseph Evan Borson on behalf of FEDERAL BUREAU OF INVESTIGATION (Borson, Joseph) (Entered: 10/24/2016)
10/24/2016	<u>10</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Borson, Joseph) (Entered: 10/24/2016)
10/25/2016		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The

		parties shall file a joint status report that addresses these issues and that contains a proposed schedule and order not later than 11/15/16. Signed by Judge Tanya S. Chutkan on 10/25/16. (DJS) (Entered: 10/25/2016)
10/25/2016		Set/Reset Deadlines: Status Report due by 11/15/2016 (zsm) (Entered: 10/25/2016)
10/26/2016	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jeremy A. Kutner, :Firm– Levine Sullivan Koch & Schulz, LLP, :Address– 321 W. 44th Street, Suite 1000, New York, NY 10036. Phone No. – 212–850–6107. Fax No. – 212–850–6299 Filing fee \$ 100, receipt number 0090–4721959. Fee Status: Fee Paid. by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC (Attachments: # <u>1</u> Declaration of Jeremy A. Kutner, # <u>2</u> Text of Proposed Order)(Brown, Jay) (Entered: 10/26/2016)
10/27/2016		MINUTE ORDER: Granting <u>11</u> Motion for Leave to Appear Pro Hac Vice. Attorney JEREMY A. KUTNER is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiffs. Signed by Judge Tanya S. Chutkan on 10/27/16. (DJS) (Entered: 10/27/2016)
10/28/2016	<u>12</u>	NOTICE of Appearance by Jeremy A. Kutner on behalf of ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC (Kutner, Jeremy) (Entered: 10/28/2016)
11/15/2016	<u>13</u>	Joint STATUS REPORT by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC. (Brown, Jay) (Entered: 11/15/2016)
11/21/2016		MINUTE ORDER: Having considered the parties' Joint Status Report <u>13</u> it is hereby ordered that the parties shall adhere to the following schedule: FBI Completion of Document Review due by January 6, 2017. FBI Motion for Summary Judgment due January 30, 2017. Plaintiffs' Opposition and Combined Cross–Motion due February 20, 2017. FBI Reply and Combined Opposition to Cross–Motion due March 13, 2017. Plaintiffs' Reply due March 27, 2017. Signed by Judge Tanya S. Chutkan on 11/21/16. (DJS) (Entered: 11/21/2016)
11/21/2016		Set/Reset Deadlines: Summary Judgment motions due by 1/30/2017. Response to Motion for Summary Judgment and Cross Motions due by 2/20/2017. Reply to Motion for Summary Judgment and Response to Cross Motions due by 3/13/2017. Reply to Cross Motions due by 3/27/2017. (gdf) (Entered: 11/21/2016)
01/30/2017	<u>14</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Decl. of David M. Hardy, # <u>3</u> Exhibit Exs. A–R of Hardy Decl., # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order)(Borson, Joseph) (Entered: 01/30/2017)
02/20/2017	<u>15</u>	Cross MOTION for Summary Judgment by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC (Attachments: # <u>1</u> Declaration of Jay Ward Brown, # <u>2</u> Exhibits A–J to Brown Decl., # <u>3</u> Text of Proposed Order)(Brown, Jay) (Entered: 02/20/2017)
02/20/2017	<u>16</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC. (Attachments: # <u>1</u> Declaration of Jay Ward Brown, # <u>2</u> Exhibits A–J to Brown Decl., # <u>3</u> Text of Proposed Order)(Brown, Jay) (Entered: 02/20/2017)
03/13/2017	<u>17</u>	Memorandum in opposition to re <u>15</u> Cross MOTION for Summary Judgment & <i>Opposition to Defendant's Motion for Summary Judgment</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration Second Hardy Decl., # <u>2</u> Statement of Facts)(Borson, Joseph) (Entered: 03/13/2017)
03/13/2017	<u>18</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration Second Hardy Decl)(Borson, Joseph) (Entered: 03/13/2017)
03/27/2017	<u>19</u>	REPLY to opposition to motion re <u>15</u> Cross MOTION for Summary Judgment & <i>Opposition to Defendant's Motion for Summary Judgment</i> filed by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA

		LLC. (Brown, Jay) (Entered: 03/27/2017)
05/12/2017	<u>20</u>	MOTION to Supplement Record re <u>15</u> Cross MOTION for Summary Judgment & <i>Opposition to Defendant's Motion for Summary Judgment</i> by ASSOCIATED PRESS, GANNETT SATELLITE INFORMATION NETWORK LLC, VICE MEDIA LLC (Attachments: # <u>1</u> Supplemental Decl. of Jay Ward Brown, # <u>2</u> Exhibit A to Suppl. Brown Decl., # <u>3</u> Text of Proposed Order)(Brown, Jay) (Entered: 05/12/2017)
05/16/2017	<u>21</u>	RESPONSE re <u>20</u> MOTION to Supplement Record re <u>15</u> Cross MOTION for Summary Judgment & <i>Opposition to Defendant's Motion for Summary Judgment</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Borson, Joseph) (Entered: 05/16/2017)
09/30/2017	<u>22</u>	MEMORANDUM AND OPINION: Re Plaintiffs' Motion <u>20</u> to Supplement the Record; Defendant's <u>14</u> Motion for Summary Judgment; Plaintiffs' Cross-Motion <u>15</u> for Summary Judgment. Signed by Judge Tanya S. Chutkan on 9/30/17. (DJS) (Entered: 09/30/2017)
09/30/2017	<u>23</u>	ORDER: Granting <u>14</u> Defendant's Motion for Summary Judgment; Denying <u>15</u> Plaintiffs' Motion for Summary Judgment; Granting Plaintiffs' <u>20</u> Motion to Supplement the Record. Dismissing this action with prejudice. Signed by Judge Tanya S. Chutkan on 9/30/17. (DJS) (Entered: 09/30/2017)
09/30/2017	<u>24</u>	SUPPLEMENTAL MEMORANDUM to re <u>15</u> Cross MOTION for Summary Judgment & <i>Opposition to Defendant's Motion for Summary Judgment</i> , <u>14</u> MOTION for Summary Judgment filed by ASSOCIATED PRESS, VICE MEDIA LLC. (Attachments: # <u>1</u> Exhibit A)(znmw) Modified filed date on 10/3/2017 (znmw). (Entered: 10/02/2017)